

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

Aaron D. Younker,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:10cv875
vs.	:	
	:	Chief Judge Susan J. Dlott
Warden, Chillicothe Correctional Institution,	:	
	:	
Respondent(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on June 24, 2011 (Doc. 23), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired July 7, 2011, hereby ADOPTS said Report and Recommendation.

Petitioner filed a motion for an extension of time to file his objections to the Report and Recommendation (Doc. 26) until July 7, 2011. The Court granted this motion, however, as of this date, petitioner has failed to file his objections.

Therefore, petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 2) is **DENIED** with prejudice.

A certificate of appealability will not issue with respect to any of petitioner's claims, which this Court has concluded are waived and thus procedurally barred from review, because under the first prong of the two-part standard enunciated in *Slack v. McDaniel*, 529 U.S. 484-85 (2000), "jurists of reason" will not find it debatable whether this Court is correct in its procedural rulings.

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the Court will certify pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of any Order adopting the Report and Recommendation will not be taken in “good faith,” and therefore **DENIES** petitioner leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 23(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6<sup>th</sup> Cir. 1997).

IT IS SO ORDERED.

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s/Susan J. Dlott  
Chief Judge Susan J. Dlott  
United States District Court